

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

	)	CASE NO.
	)	
TIMOTHY GRILLS	)	JUDGE
6724 Avon Lake Road	)	
Medina, Ohio 44256	)	MAGISTRATE JUDGE
	)	
Plaintiff,	)	<b><u>PLAINTIFF’S COMPLAINT</u></b>
	)	
vs.	)	(Jury Demand Endorsed Herein)
	)	
HEWLETT-PACKARD COMPANY	)	
	)	
Serve Statutory Agent:	)	
	)	
C T Corporation System	)	
1300 E Ninth St.	)	
Cleveland, Ohio 44114	)	
	)	
Defendant.	)	

Now comes Plaintiff, Timothy Grills, by and through counsel, and for a Complaint against Defendant Hewlett-Packard Company (“HP”), states and alleges the following:

**INTRODUCTION**

1. Plaintiff brings this lawsuit as a result of Defendant’s failure to pay Plaintiff overtime compensation at the rate of one and one-half times his regular rate of pay for all of the hours he worked over 40 in a workweek, in violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201-219.

**JURISDICTION AND VENUE**

2. The Court has jurisdiction over Plaintiff’s FLSA claims pursuant to 28 U.S.C. § 1331.

3. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred in Medina County, Ohio, within this District and Division.

### **PARTIES**

4. At all times relevant herein, Plaintiff was a citizen of the United States and a resident of Medina County, Ohio

5. At all times relevant herein, Plaintiff was an employee within the meaning of 29 U.S.C. § 203(e).

6. At all times relevant herein, Plaintiff worked from his home in Medina County.

7. At all times relevant herein, Defendant was an employer within the meaning of 29 U.S.C. § 203(d).

8. At all times relevant herein, Defendant was an enterprise within the meaning of 29 U.S.C. § 203(r).

9. At all times relevant herein, Defendant was an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(s)(1).

10. At all times relevant herein, Plaintiff was an employee engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. §§ 206-207.

### **FACTUAL ALLEGATIONS** **(Failure to Pay Overtime Compensation)**

11. Plaintiff has been employed by Defendant for approximately 32 years, his most recent and current position being a Technical Consultant III.

12. During Plaintiff's employment with Defendant as a Technical Consultant III, Defendant paid him a salary wage, and classified him as "exempt" from the FLSA's overtime requirements.

13. As a Technical Consultant III, Plaintiff did not have authority to hire, fire, or promote employees.

14. As a Technical Consultant III, Plaintiff's primary duty was not engaging in management.

15. As a Technical Consultant III, Plaintiff's primary duty was not acting as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field.

16. As a Technical Consultant III, Plaintiff worked over 40 hours per week, but Defendant failed to pay Plaintiff overtime compensation for the hours he worked over 40 in a workweek.

17. Defendant knowingly and willfully failed to pay Plaintiff overtime compensation for the hours he worked over 40 in a workweek.

**COUNT ONE**  
**(Fair Labor Standards Act Violations)**

18. Plaintiff incorporates by reference the foregoing allegations as if fully rewritten herein.

19. Defendant's failure to pay Plaintiff overtime compensation at a rate of one and one-half times his regular rate of pay for all of the hours he worked over 40 in a workweek violated the FLSA, 29 U.S.C. §§ 201-219.

20. By engaging in the above-mentioned activities, Defendant willfully, knowingly and/or recklessly violated the provisions of the FLSA.

21. As a result of Defendant's practices and policies, Plaintiff has been damaged in that he has not received overtime due to him pursuant to the FLSA.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this Honorable Court:

- A. Award Plaintiff actual damages for unpaid overtime compensation;
- B. Award Plaintiff liquidated damages equal in amount to the unpaid overtime compensation found due to Plaintiff under the FLSA;
- C. Award Plaintiff pre- and post-judgment interest at the statutory rate;
- D. Award Plaintiff attorneys' fees, costs, and disbursements; and
- E. Award Plaintiff further and additional relief as this Court deems just and proper.

Respectfully submitted,

/s/ Anthony J. Lazzaro  
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**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ Anthony J. Lazzaro  
Attorney for Plaintiff